

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ELEKTRA ENTERTAINMENT GROUP,)
Inc., a Delaware corporation, ATLANTIC)
RECORDING, Corporation, a Delaware)
corporation, FONOVisA, Inc., a)
California corporation, UMG)
RECORDINGS, Inc., a Delaware)
corporation, and ARISTA RECORDS,)
LLC, a Delaware limited liability company,)

Plaintiffs,)

V.)

FRANCISCO EDSON,)

Defendant.)
)

CASE NO. 8:06CV476

JUDGMENT BY DEFAULT
AND
PERMANENT INJUNCTION

The Plaintiffs' Complaint that alleges copyright infringement was filed on July 11, 2006. Defendant Francisco Edson was served with process on October 24, 2006. (Filing No. 6). Upon the Plaintiffs' motion, entry of default was made by the Clerk of the Court. (Filing No. 9). The matter is now before the Court on the Plaintiffs' Motion For Default Judgment, which is supported by Plaintiffs' brief and the Affidavit of David V. Clark. (Filing Nos. 20 and 21). Plaintiffs seek default judgment, minimum statutory damages, permanent injunctive relief, and costs from Edson.

I have reviewed the matter, and I find that the Plaintiffs have complied with Fed. R. Civ. P. 55 and NECivR 55.1(c). "A default judgment entered by the court binds the party facing the default as having admitted all of the well pleaded allegations in the plaintiff's complaint." *Angelo lafrate Const., LLC v. Potashnick Const., Inc.*, 370 F.3d 715, 722 (8th Cir. 2004). Based on the facts as alleged in the Complaint and in the Clark Affidavit,

IT IS ORDERED, ADJUDGED AND DECREED:

1. Plaintiffs' Motion for Default Judgment (Filing No. 20) is granted;
 2. Default Judgment is entered in favor of the Plaintiffs and against Defendant Francisco Edson, as follows:
 - a. Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00);
 - b. Defendant shall pay Plaintiffs' costs of suit herein in the amount of Four Hundred Eighty Dollars (\$480.00); and
 - c. Defendant is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:
 - "Make It Last Forever," on album "Make It Last Forever," by artist "Keith Sweat" (SR# 86-761);
 - "I'm A Thug," on album "Thugs Are Us," by artist "Trick Daddy" (SR# 303-748);
 - "Pensando En Tu Amor," on album "Tu Decision," by artist "Ana Barbara" (SR# 187-198);
 - "She Said," on album "Word of Mouf," by artist "Ludacris" (SR# 304-605); and
 - "We Luv Deez Hoez," on album "Stankonia," by artist "Outkast" (SR# 306-741);
- and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record

label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED this 5th day of June, 2007.

BY THE COURT:

S/ Laurie Smith Camp
United States District Judge